

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARNELL MCGARY,

Plaintiff,

V.

JAY INSLEE, et al.,

Defendants.

CASE NO. C23-5388 BHS

ORDER

THIS MATTER is before the Court on pro se plaintiff Darnell McGary's "Request for a new Default Entry," Dkt. 39, on defendant Brady Lovelady's motion to stay, Dkt. 13, Dkt. 14, pending the resolution of his motion to dismiss, Dkt. 11, and on McGary's motion to strike Lovelady's motion, Dkt. 31.

The Court construes McGary's request, Dkt. 39, as a motion reconsider its order denying his motion for default, Dkt. 38. Under Local Civil Rule 7(h)(1), motions for reconsideration are disfavored, and will ordinarily be denied unless there is a showing of (a) manifest error in the ruling, or (b) facts or legal authority which could not have been brought to the attention of the Court earlier, through reasonable diligence.

1 McGary's motion asserts and appears to demonstrate that he "served" his
2 summons and complaint on the defendants by sending them a copy by certified mail. Dkt.
3 39 at 1. That is not proper service under Federal Rule of Civil Procedure 4. McGary's
4 motion, Dkt. 39, is therefore **DENIED**.

5 Lovelady argues that the Court should stay discovery pending resolution of his
6 motion to dismiss, Dkt. 14, in the interest of efficiency. Other defendants also seek
7 dismissal under Federal Rule of Civil Procedure 12, Dkts. 15, 26, and 42, and McGary
8 seeks partial summary judgment, Dkt. 37. McGary argues that it is inappropriate to stay
9 discovery when "there is admissions on the record that connect the unconstitutional
10 issues before the court." Dkt. 31 at 1.

11 The Court does not agree with McGary. The motion to stay discovery pending
12 resolution of the defendants' motions to dismiss, Dkt. 14, is **GRANTED**. McGary's
13 motion to strike that motion, Dkt. 31, is **DENIED**. Discovery is stayed until further order
14 of this Court.

15 The pending dispositive motions will be addressed in a separate order.

16 **IT IS SO ORDERED.**

17 Dated this 18th day of July, 2023.

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BENJAMIN H. SETTLE
United States District Judge